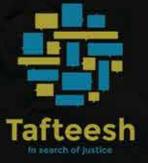
A National Study on Status of Anti Human Trafficking Units in India (2010-2019)

AHTUATCH

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KFOREWORD

Of all the crimes that seem to affect human beings in this century, the hardest to forgive are those where victims of crimes find no justice either by way of retribution, reparation or rehabilitation. In other words, as a victim, you have to accept and live with the fact that those guilty of the crime will not be prosecuted or convicted, you will not be compensated and no one will assist you in picking up the pieces to deal with the aftermath of that crime. When someone tells you that the chance of you being an exception to this rule is less than 1 out of 100, then it changes the way you look at the world, your-self and people around you. It becomes difficult to trust, have faith in anything and anyone in that lifetime. Human trafficking crimes have reached those kinds of proportions today where the travesty is not restricted to the enslavement of people in various forms of forced labour and sexual exploitation, the travesty lies more in the failure of justice delivery by the law enforcement, judiciary and the executive offices.

Naturally, the poor results of existing laws to combat human trafficking, not only in India, but worldwide, have drawn sarcastic review of the existing legislations on human trafficking that were promised to deliver justice to people worst affected by it. It has been 20 years since the United Nations Convention on TransNational Organised Crime came to force and 17 years since the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was passed and which was ratified by 190 countries by 2017. Following the 2002 report on Trafficking in Women and Children by National Human Rights Commission in india, the Government took some structural measures to address trafficking, of which the most significant was to create Anti Human Trafficking Units across India. These specialised investigation units were expected to plug the gaps in investigations that result in poor quality of prosecution and low rates of conviction, draw on the expertise of non-profits and survivors of trafficking to build intelligence and formulate strategies to break down organised networks that profit from the servitude, forced labour, debt bondage and sexual exploitation of persons.

This is the first research in India that focuses exclusively on Anti Human Trafficking Units in India. The research findings will offer readers information, analyses and insightsthat will serve to check certain assumptions and hypotheses that went behind the policy decision to form and invest into AHTUs across the country. You will find survivors of human trafficking speaking about their experiences and evalua-tions of the officers in AHTUs as opposed to general police stations. Their testimonies help test the hypothesis that went behind the AHTUs, that they should be able to form a relationship of trust and re-spect with survivors of trafficking better than the general police stations, and that will elicit better co-operation and involvement of survivors in the investigation process. This report also draws upon insights from anti-trafficking lawyers and law enforcement officers who speak from their experiences on the effectiveness and impact of AHTUs on investigation and prosecution. Finally, the core research focuses on State-provided data pertaining to the coverage of AHTUs in India, their levels of functionality and proceeds to identify states and UTs that are more forthcoming with information, as well as those who have chosen not to respond to questions.

The primary purpose that this report may serve is to assist the Government of India and governments of various states in deciding the most effective course of action in addressing human trafficking. It may also help anti trafficking activists and organisations decide on strategies to strengthen policy and its enforcement, and the performance of AHTUs in the country. Sanjog wishes to make every effort to make the research available to survivors of trafficking across India, for they are the primary owners and beneficiaries of this research.

We hope this research will also help those academics, researchers and activists who are often bewildered and cynical about entrusting the addressal of human trafficking solely to law enforcement and the judiciary. This research affirms once again that progress is often incremental and also determined by the quality of engagement by civil society, non-profits and affected communities. Ultimately, Sanjog hopes that it will help strengthen the maturity of activism in this space as well."

Roop Sen, Researcher, Sanjog

ACKNOWLEDGEMENT

As the saying goes, Knowledge is in the end based on acknowledgement. And this study would never have been possible without acknowledging the relentless efforts of all the Tafteesh member organisations and individuals - the team of lawyers who have been painfully detailed and creative in their pursuit of the victim - justice system, the civil society organisations in the consortium who have studied, implemented and shared data of working with survivors spread across states and experiences and the project team who kept at the task despite delays, rejections and unresponsiveness from the stakeholders in the ecosystem. This study has also been enriched by valuable contributions from the organisations and activists who provided us with significant understanding and inputs from their experiences of working on cases of human trafficking in Jharkhand, Bihar, Odisha, Tamil Nadu, Maharashtra, Delhi, West Bengal, and nationally.

This study brings out vividly, the need for the urgent formations, notifications and empowerment of AHTUs in India for more robust and effective fight against human trafficking. AHTU WATCH shows the glaring gaps and the need for a big change in the way AHTUs are formed or function at present. The first step on the path to this change is an acknowledgement that change is necessary and possible. This study is an attempt towards that.

Thank you to Tafteesh.

With hope and determination,

Team Sanjog

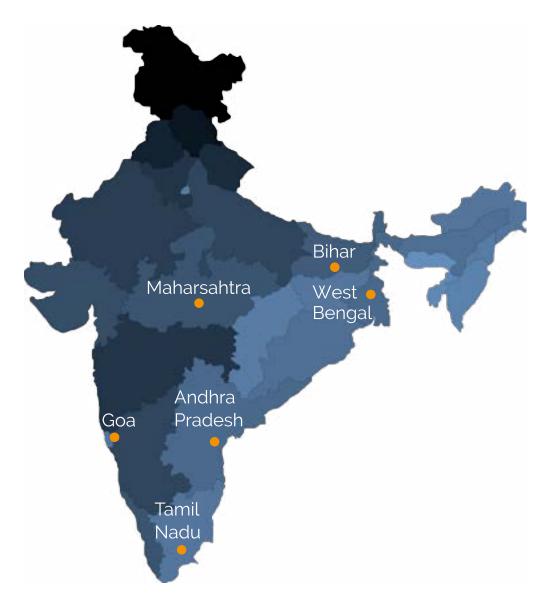
CHAPTER I BACKGROUND

MHA and UNODC Project (2006) Advisory Notification on Establishment of AHTUs (2010) Roles and Responsibilities of AHTUs

MHA and UNODC Project (2006)



In April 2006, the Central Government of India, through the Ministry of Home Affairs in partnership with the United Nations Office on Drugs and Crime took up a project on **"Strengthening the law enforcement response in India against trafficking in persons through training and capacity building",** in order to raise awareness of law enforcement officers (police and prosecutors) on the problem of human trafficking and to build their capacity to better investigate and prosecute offenders perpetrating the crime.



One of the objects of the project was the establishment of Anti Human Trafficking Units (AHTUS) at the district level in five (5) states, namely Maharashtra, West Bengal, Goa, Andhra Pradesh and Bihar. These states were selected as they represent source, destination and transit areas for human trafficking of different types, including trafficking of women and children for commercial sexual exploitation, child labour, bonded labour and others. In these states, positive outcomes were seen, and it was found that the AHTU model was particularly effective. Twelve (12) important resource books on Protocols and Standard Operating Procedures (SOPs) were developed through the project, almost 400 training programmes (as of 2010) were conducted and more than 13,670 prosecutors and police officials were trained. Through the course of the project, nine (9) AHTUs involving government officials and NGOs were set up in Goa, West Bengal, Andhra Pradesh and Bihar and the Governments of Tamil Nadu and Bihar, on their own, set up 38 (thirty eight) and 21 (twenty one) AHTUs, respectively.

Advisory Notification on Establishment of AHTUs (2010)



In June 2010, the Central Government through the Ministry of Home Affairs issued an advisory notification with the subject

"Comprehensive Scheme for Establishment of integrated Anti Human Trafficking Units and capacity building of responders, including Training of Trainers for strengthening the law enforcement response to human trafficking in India Plan", where it directed that State Governments across the country to notify AHTUs for all their districts that would be responsible for registration of complaints and investigation of all cases related to human trafficking.



The State Governments were mandated to set up AHTUs at the district headquarters level, with funds provided under the Scheme for infrastructure and development. The State Governments would also be responsible to provide police personnel and officials from other departments to manage the AHTU, whose police officials would directly report to the Superintendent of Police of their respective districts.

A perusal of the advisory notification clearly shows that although the Central

Governmentprovidedfundingforthesetup of AHTUs as well as training resources, the entire responsibility for handling setup, maintenance, management and recruitment of personnel for AHTUs would lie with respective State Governments. Even monitoring of implementation of the Scheme, at the state level, would be the responsibility of the State Home Department and the Ministry of Home Affairs (Centre-State Division) would be responsible for coordination and monitoring at the national level.

Roles and Responsibilities of AHTUs



The advisory notification specified that AHTUs would address all three aspects of trafficking, namely prevention, protection and prosecution.

Further, the AHTUs would be responsible for developing databases on traffickers and networking with all other concerned agencies. The notification contained a detailed list of assets to be provided to each AHTU, as well as a list of officials and representatives to constitute every AHTU.

The list of responsibilities of AHTUs, as stated in the advisory notification, included the following:

- Ensuring focused attention in dealing with offences of human trafficking and providing a multidisciplinary approach and a joint response by all stakeholders.
- 2. Ensuring an 'organized crime' perspective in dealing with trafficking crimes.
- **3**. Bringing about inter-departmental collaboration among the police and all other government agencies and departments, such as women and child, labour, health, etc.
- 4. Conducting rescue operations with the assistance of NGOs whenever they receive information about trafficking activities either from police sources, or NGOs or civil society.
- 5. Ensuring a victim-centric approach which ensures the 'best interest of the victim/ survivor' and prevents 'secondary victimization/ revictimization' of the victim as well as ensuring a gender sensitive and child rights sensitive approach in dealing with trafficked victims.
- 6. Functioning as the grass roots unit for collection and development of



an exhaustive database on all law enforcement aspects of the crime, including information on traffickers and trafficking gangs, which they will convey to the District and State Crime Records Bureau for further transmission to the National Crime Records Bureau.

7. Facilitating availability of comprehensive national level data on this criminal activity.

Therefore, the mandate for AHTUs is extremely wide. The Central Government specified that the AHTU would be the "field level functional unit to address human trafficking in a holistic manner". It would address existing gaps in law enforcement responses to trafficking and would serve as an institutional mechanism for combating the crime by working across all stakeholders, including police, prosecution, rescue, NGOs, etc. It would help enhance cooperation between law enforcement agencies, concerned government departments and NGOs who have the expertise and capacity to assist trafficked survivors by institutionalizing this cooperation.

CHAPTER II LIVED EXPERIENCES OF SURVIVORS, LAWYERS AND NGOS



Lawyers' narratives Survivors' narratives NGOs' Narratives



Given the wide mandate of AHTUs as outlined in the previous section, as well as the 'holistic' purpose envisioned for AHTUs, this chapter focuses on what people who have engaged with the system have to say about their experiences with the AHTUs in their regions, as well as their opinions on the 'usefulness' and 'effectiveness' of AHTUs. We spoke to trafficking survivors, lawyers, activists from NGOs and a prominent IPS officer with experiences in different parts of the country who contributed various illuminating narratives on the operationalisation of AHTUs in their regions, as well as perceived gaps in the system.

The conception of AHTUs in India came about to address 'one main point' (amongst other things), which was the envisioning of a convergence mechanism, whereby the police, government agencies and NGOs would work together address issues around human to trafficking.¹ AHTUs were conceived as task forces, with police and NGOs imagined as 'essential components', with prosecutors and government welfare agencies as 'additional components on demand'.² The objective in conceiving AHTUs was to ensure that the various components of trafficking were addressed in a coordinated manner, with different agencies workingtogether and communicating with each other as a separate system of sorts.

Lawyers' narratives

Despite AHTUs' wide mandate that clearly includes investigating cases of trafficking, it is important to remember that AHTUs exist as a part of a much larger criminal justice system. It was seen that if a trafficking survivor or their family member went to file a police complaint at their local police station (that would invoke provisions of ITPA [Immoral Traffic (Prevention) Act, 1956] or trafficking-related provisions in the IPC [Indian Penal Code, 1860]), this would most often entail investigation only by the local police and there would be no straight forward way for the complaint to be investigated by the jurisdictional AHTU without approaching a court of law.³ Given that there was no legal mandate for traffickingrelated complaints to be compulsorily transferred to AHTUs, lawyers had to strategise, case by case, on how best to approach courts and seek transfer of investigations from local police stations to anti-trafficking units.⁴ The lawyer recounted one protest petition that contained the specific prayer that the trafficking case be investigated by an Inspector-level officer or an Officer in Charge of a police station. The protest petition filed in that particular trafficking case prayed for the trafficking investigation to be conducted by an Inspector level officer as per Section 13 of the ITPA of the AHTU.⁵

For several years, getting investigations transferred to AHTUs was described as a 'struggle'⁶ for lawyers and litigants alike, but in 2019 the High Court of Calcutta passed a landmark order in State of West Bengal v Sangita Sahu @ Shaw⁷ where the Court directed inter alia that:

"(a) any First Information Report (for short F.I.R.) registered under the I.T.(P) Act or under sections 370/372/373 of I.P.C. or under the provisions of the POCSO Act involving commercial sexual exploitation of women or children should be investigated by a specialised agency like Anti Human Trafficking Unit;

(b) In order to facilitate the investigation in these cases, State Government is directed to set up Anti Human Trafficking Units in every district which shall be manned by specially trained police personnel not below the rank of Inspector who would be preferably women. These officers shall be notified as special police officers under section 13 of the I.T.(P) Act."

There was finally a judicial mandate that cases of human trafficking would have to be investigated by specialised agencies like AHTUs and clear responsibility placed on the State Government to set up more AHTUs to facilitate investigation. The Sangita Sahu judgment acted as a 'trigger' for legal strategy development, as lawyers could approach Magistrates and cite the High Court order when seeking transfer of trafficking investigations.



Sanjog saw that after the Sangita Sahu judgment, the investigation of 12 cases of human trafficking were transferred to the AHTU in West Bengal in the year 2019 itself.

One lawyer working with trafficking survivors shared that after Sangita Sahu, their strategy to get their trafficking cases transferred to AHTUsstarted with:

- (a) writing letters to the local police station that was investigating the case as well as higher police authorities, seeking transfer and citing Sangita Sahu; and
- (b)calling for a report on investigation from the local court to see if there is compliance withSangita Sahu and if not, seek a direction from the Magistrate for compliance.

In case neither of the above two strategies resulted in the case being transferred to the AHTU, the lawyers could file a writ petition directly before the High Court.⁸ Although Sangita Sahu is only binding in the state of West Bengal, it is clear that it has changed the very approach taken by lawyers, litigants and complainants to demand that their cases be investigated by a specialised agency, with the requisite training, mandate and resources.

The extensive efforts made by lawyers and survivors to ensure AHTU-led investigations are backed by concrete, positive experiences with the specialised agency in the state of West Bengal. Lawyers commended the AHTU/CID's expertise, with one lawyer stating that the biggest advantage of having trafficking cases investigated by AHTUs was that these cases rely heavily on links of circumstantial evidence across the trafficking chain, which the AHTU in Kolkata was competent and resourceful enough to be able to collect.9 The AHTU's focus on the medico-legal aspect of investigation as well as their sound technological sense have been highlighted as some of the advantages employed by AHTUs to pinpoint perpetrators of crimes.¹⁰ On a more general level, it was seen that the AHTU's documentation processes, in chargesheets, for instance, were different from corresponding documentation processes followed in local police stations, reflecting good practices, like providing reasons for non-submission of chargesheet against certain accused and seeking leave to file a supplementary chargesheet for an absconding accused person, indicating awareness of criminal procedure.11

⁴ Telephonic interview with Adv. Anirban Tarafdar, 1 May 2020

⁵Telephonic interview with Adv. Kaushik Gupta, 30 April 2020.

⁶ Telephonic interview with Mr. Anirban Tarafdar, Advocate, 1 May 2020. ⁷ C.R.M. 3697 of 2018

⁸ Telephonic interview with Mr. Anirban Tarafdar, Advocate, 1 May 2020.

⁹ Telephonic interview with Mr. Anirban Tarafdar, Advocate, 1 May 2020.

¹⁰ Telephonic interview with Mr. Anirban Tarafdar, Advocate, 1 May 2020

¹¹ Telephonic interview with Adv. Kaushik Gupta, 30 April 2020.



Survivors' narratives

Survivors, who are the holders of the system, who drive the entire process of engagement between the different stakeholders, have also engaged positively with the specialised units in West Bengal. One survivor, who had been rescued in 2011 and had filed a complaint of trafficking in the local police station had seen that two years later, there was little to no progress whatsoever.

One survivor shared her negative experience with the local police, stating that they unnecessarily delayed recording her Section 164 CrPC statement, were rude to her and only agreed to record the statement after intervention by a local NGO, and the Investigating Officer had intimidated her by repeatedly telling her that it "would be better" if she stayed in a shelter home, in spite of her assertions that she had a supportive family whom she lived with. She had been trafficked by her husband and in-laws and had named the accused to the police, but they had taken no action whatsoever against them. With legal assistance, a protest petition was filed before the local court, who ordered reinvestigation and transfer to the AHTU.

Another survivor, spoke about her family's experience with local police in West Bengal, when she was trafficked in March 2017. Her parents had filed an FIR with the local police and when the survivor found out that she had been trafficked to Gujarat, she was able to call her parents who intimated the police that she was there. However, even though the police were cooperative with her father, who had filed the FIR, they had no money or resources to travel to Gujarat when they found out that she had been trafficked there. A few months later, she was trafficked back to West Bengal (South 24 Parganas) and was able to inform her family, who helped the police with the rescue. However, even for this rescue, within West Bengal, her father had to bear all the travel costs as the police claimed to have no resources at all. Therefore, it is seen that the local police experience significant

resource constraints, which can adversely affect their reach and ability to perform investigation and rescue functions.

Survivors narrated experiences of their interactions with the AHTUs, as compared to the local police, uniformly stating that there were huge differences between interacting with the local police and with AHTU officials.

When one survivor's case was transferred to the AHTU, she said that the AHTU investigated promptly and efficiently, using descriptions and sketches to identify accused; something that the local police never did. Meetings were on time and spaced out, allowing her to prepare herself. The local police had made her feel like a criminal, questioning her motives and innocence whereas the AHTU officers gave her the impression that she had been a victim of a crime. She recounted that her interactions with the Investigating Officer at the local police station were all in front of local people who would gossip behind her back, but stated that in the AHTU she would be taken to a separate room with no crowd, no known faces and called it 'relaxing'.

She was allowed to take her time to remember facts, recollect her thoughts and would give her time to reflect and return if she was not able to remember anything particular. Another survivor narrated similar experiences, saying that the Investigating Officer at the local police station would try to make her feel 'blamed' and 'guilty' whereas the AHTU officials to whom her case was transferred were very professional and actually listened to her.

The effect of having AHTUs investigate their case can be empowering and hopeful for the survivor(s) involved. Involving the survivor(s) in the process, meting out respectful treatment and showing technical prowess as well as advanced evidence-gathering techniques can have a profound effect on not only the quality of evidence ultimately obtained, but on the willingness and motivation of the survivor(s) to stay involved in the outcome of their case. One survivor expressed that the AHTU officials made her feel that it was their responsibility to get her justice. Another survivor, clearly said that if her case was still being investigated by the local Investigating Officer, she doesn't think that she would have even been rescued in the first place, and none of the accused would have been found. She spoke about the continued support given to her by the AHTU through the trial, where they would provide transport to court for her on hearing dates if she needed it and also addressed threats she was getting from traffickers by making sure that the local police provided adequate protection for her and her family. The professionalism, accessibility and commitment of the AHTU officials spoken about by survivors was definitely an asset to the system, where outcomes of trials can critically hinge on evidence obtained by the investigating agency as well as continued motivation and cooperation of and with survivors.

Local experiences with AHTUs can vary greatly amongst stakeholders in the anti-trafficking system. For survivors in West Bengal, the AHTUs were a refreshing change from the status quo. However, for NGOs and social welfare organisations across India, liaising and working with AHTUs has been a varied, challenging experience that has differed greatly between states. After speaking to NGOs from Bihar, Jharkhand, Andhra Pradesh, Tamil Nadu, Maharashtra and Delhi on their experiences with AHTUs, there were some similarities and some differences.

NGOs' Narratives

With respect to the functioning of AHTUs, NGOs from most of the states/UTs that we spoke to stated that AHTUs were functional, if not very active in Bihar, Tamil Nadu and Andhra Pradesh (whose AHTUs act as part and parcel of the Criminal Investigation Department). In Jharkhand and New Delhi, AHTUs were reported as more active (they are functional in eight districts in Jharkhand) and sometimes working with NGOs on trafficking cases.



Most states/UTs had AHTU positions filled by older officers by way of additional charge to their existing duties. These officers who were seen to be 50-55 years of age, on the verge of retiring or on medical leave, were seen to not take their AHTU positions seriously. In Tamil Nadu, it was referred to as a 'punishment posting' for officers to have an AHTU post.

The uniform experience from the NGOs in almost all states/UTs except Jharkhand was that AHTUs were going through a funds crunch. In Bihar, it was the NGOs' impression that the majority of funding gets depleted due to the purchase of vehicles and unequal distribution focusing on more sensitive and trafficking-prone areas that adversely impact AHTUs' ability to carry out interstate investigations. The AHTUs in Tamil Nadu were also said to be going through a funds crunch, with the last round of MHA funding taking place in 2012 and it was said that the state government in Andhra Pradesh has not allocated a proper budget to strengthen the AHTUs, which is much-needed for proper functioning. However, the exact reasons for the funds crunches and low/non-existent budgets for AHTUs were unknown.

The survivors and lawyers interviewed from West Bengal had very positive experiences with the demeanour of AHTU officials in West Bengal. However, the same was not mirrored by NGOs working in other states/UTs, who overall, had several opportunities to witness ignorance and inefficiency in the AHTUs in their region. NGOs said repeatedly that AHTU officials had a lack of skill, interest, no comprehensive understanding of trafficking and an abject lack of alertness and proactivity, with the exception of some new, young AHTU officials. In Tamil Nadu and Jharkhand AHTU officials did not understand trafficking beyond sex trafficking and sometimes did not even recognise that people from other genders, apart from females could be trafficked as well. One NGO representative spoke about a trafficking operation through the railways, where agents were taking children from Tamil Nadu and trafficking them to Bihar and how the AHTU did not even recognise the same as trafficking.

It was seen that registering trafficking cases with sections integrated from different laws was very challenging, as the police would resist the more detailed investigation that would inevitably be required. AHTU officials and local police were said to be reluctant to respond and act in trafficking cases, preferring instead to work on 'clearer' cases (theft, assault, etc.) and prioritise their other duties over their AHTU duties. The problem of survivors turning hostile, local traffickers getting out on bail or never getting arrested and principal traffickers not even being tracked down by AHTUs was commonly stated by multiple NGOs in different states. When NGOs got involved in investigations, like inter-state investigations, AHTU officials would get pressured and claim to feel overworked, showing clearly that they were not trained and that there needed to be a Standard Operating Procedure (SOP) in place governing responses and procedures for AHTUs. New Delhi's AHTUs have been seen to somehow have very low caseloads, in spite of reports of human trafficking around Delhi, with the exact cause requiring further research. However, the functioning of AHTUs in New Delhi was opined to be efficient and wellinvestigated for the cases they have with them. In Maharashtra, AHTU mandates only encompassed pre-rescue investigation and rescue of survivors, after which cases are transferred to local police stations that

do not have the resources or training to carry out investigations properly, leading to unsuccessful prosecutions.

In Bihar and Tamil Nadu, the lack of coordination between law enforcement and other agencies has been said to have adversely impacted the entire system. Inter-departmental work that coordinates rescue, social welfare, compensation and other needs of survivorsis extremely weak and NGOs in several states opined thatseveral states said that there was no state interest in trafficking whatsoever, due to which SOPs have not been developed for the AHTUs in Bihar, there is no proper policy on human trafficking for Tamil Nadu and AHTUs stayed a low priority after the division of Andhra Pradesh and Telangana Jharkhand's large tribal population and the marginalisation, prejudice and bias against them has also resulted in a situation where their voices are not heard and tribal migration and trafficking is just not a priority of the state. In Maharashtra, the disconnect between AHTUs and local police results in adverse impacts to investigation of cases and rescues. According to one NGO based in New Delhi and carrying on activities in Uttar Pradesh and Manipur, AHTUs are unable to fulfil their mandates due to the inaction of state/UT governments, which hold the responsibility of setting up and facilitating functionality of the AHTUs.



The experiences of engagement with the system by survivors, lawyers and NGO representatives have indicated the vast breadth of narratives on the functionality and status of AHTUs in different parts of India. In some states, AHTUs seem to be functional, carrying out investigations with efficiency and professionalism, whereas in other states, AHTU officials are often seen to be police officers on the verge of retirement, or in 'punishment postings'.

The varied experiences by different stakeholders opens up different areas of inquiry: for example, are AHTUs in so many states actually experiencing funding issues? Have AHTUs been notified in sufficient districts of each state/UT and are they functional? What is the data on the composition of AHTUs and can it really be considered a 'punishment posting' as an additional charge? And the most important question that emerges: are AHTUs able to fulfil their intended mandate of being a 'convergence mechanism' as envisioned in 2010? The observations and experiences, when correlated with quantitative and qualitative information about the AHTUs themselves, can provide a systemic insights into the anti-trafficking system (related to AHTUs) across India.

CHAPTER III RESEARCH PROCESS OBSERVATIONS

Through the process of carrying out the quantitative research through RTIs and interviewing various stakeholders to record their narratives, some process observations emerged, which we discuss briefly in this chapter.

Survivors' NGOs' narratives narratives



Survivors' narratives

One observation that became increasingly apparent in the course of the interviews was the sheer clarity and conviction with which the survivors put forth their narratives and recounted their stories. As researchers, it was almost startling to witness and record this clarity of thought and speech, which was unmatched by the other stakeholders. interviewed.

The survivors spoke about how the AHTUs in West Bengal were effective, professional and helpful, not just in terms of collecting evidence and investigating their cases, but also in terms of the AHTU officials' respect, consideration and sensitivity when interacting with the survivors themselves.

Survivors felt empowered after interacting with AHTU officials, with one survivor, Sharifa sharing that she was 'praised a lot' by AHTU officials handling her case for sharing information from the ground and helping them to make her case a success. She claimed to feel 'confident and energetic' as a result of the praise and said that she has learnt a lot from interacting with the AHTU in the course of investigation. Another survivor, Tithi, recounted a similar experience, stating that her interactions with the AHTU empowered her enough to go to the place she was trafficked to in Gujarat, with two (2) AHTU officials and actually confront what she had been through, while assisting with the interstate investigation.

She shared that she didn't feel like a victim anymore and that going with the AHTU officials gave her power. Many people did not support her going to Gujarat, but she said that it was empowering to go back and reinforce that other people were to blame for the situation, but not her. Sharifa talked about how she shared what she learnt through the whole process from the AHTU with her team in her survivors' collective, with a view to building confidence in the other survivors as well. Tithi also said that she was a member of a survivor leaders group in North 24 Parganas, and has been able to share her experience with many people in the same position that she had been in and said that although the prospect of visiting Gujarat scared her, when she reached, she didn't know what had changed, but she felt completely free of fear.

The systemic shift that has occurred in the past 12 years, with AHTUs taking over the investigative mandate of trafficking, has definitely had a large impact on the wisdom of survivors, people who are seen as the 'weakest links' of the system, to be patronised and pitied rather than listened to and respected. The research process showed that survivors have become arguably the strongest links in the chain, picking up on the difference in service delivery between local law enforcement and AHTUs and actually making use of the mandates that have been attributed to the AHTUs to assist officials on the ground in making sure their cases are as strong as possible.

At this stage, survivor collectives like the Indian Leadership Forum Against Trafficking (ILFAT) can play pivotal roles in collective learning, sharing information and building confidence and savvy of survivor leaders through the interactions of certain members with the anti-trafficking units. ILFAT's mandate itself calls for the sharing of expertise, insights and evidences relevant to human trafficking in India, acknowledging that systemic failures contribute towards the failure to combat these organised crimes effectively, which can make this exercise of sharing, empowering and calling out the gaps in local law enforcement systems an enriching experience for systemic change.From the research it seemst hat the accountability or leveraging of accountability by survivors to the state will increase in the next few years.





Although survivors have been seen to benefit from the presence, reach and functionality of AHTUs, the NGO narratives spoke to the fact that in many parts of India, state governments have made no investment whatsoever in AHTUs and even though they have been set up, they are barely functional. In this scenario, if the sum and substance of the benefit of AHTUs within the anti-trafficking system is to survivors only, then the whole systemic understanding behind AHTUs as a 'convergence mechanism' falls short, apart from being a witness to be called by the prosecution during a human trafficking court trial.

Many NGOs interviewed claimed to play an important role in the anti-trafficking system in their region, with several talking about carrying out training and awareness programmes, expending significant resources and efforts. However, when discussing the 'situation' of AHTUs in their regions, many of the same NGOs talked about how there was no expertise, skill nor understanding of human trafficking and shared that interested, motivated AHTU officials were the exception rather than the norm.



This brings us to observe an interesting oxymoron, where on one hand, NGOs clearly make efforts to engage with AHTUs with a view to imparting expertise and there is enthusiasm and assertion in talking about those efforts, and on the other hand, when NGOs look at impact, there is almost a sad admission that these efforts have failed to bear sufficient fruit. NGOs therefore seem to be caught in an interesting conundrum on what roles they can play in building a robust system.

Apart from training, the institutional role of NGOs has been largely in assisting the police in investigations and rescues as well as victim services, in which the Women and Child Department has not taken an interest or prominent role. The relegation of victim services to NGOs with no financial resources provided by the state to do so could indicate an assumption on the part of the state that NGOs have the capacity to carry out these functions with the aid of their funders. It also indicates that the state has 'allowed' NGOs to take on victim service provision roles, with little interference.NGOs have taken on roles of training, support and victim services in the past couple of decades and it is worth engaging with the rationales behind the same.

One observation through the research has been that no NGOs have proceeded to meaningfully and repeatedly question the government or law enforcement agencies, promoting accountability and recording progress.

This function could be perhaps be taken over by the Ministry of Home Affairs, which could follow up with state governments periodically to map the progress of AHTUs. Further, since the NIA has been designated as the nodal agency to investigate trafficking crimes, it can take up the monitoring and control mandate to obtain data and progress-related information from those state/UT governments that have failed to respond or be transparent to the research enquiries. The collaborative relationships developed by NGOs with government functionaries and local police have been developed through significant outreach and effort on the part of the NGOs, and are important in their ability to carry on their activities. As NGOs recounted, they would perform supportive functions but many aspects of the functioning of AHTUs would be out of their control. Further, many NGOs would find themselves 'walking on eggshells' with law enforcement and government agencies because if relationships became disrupted for any reason, there would be other NGOs eager and able to replace them.

These factors have contributed to NGOs demonstrating hesitance to demand

accountability for gaps or failures in the system without adversely impacting their hard-won relationships. However, coordinated action with other NGOs could be a strategy to minimise such risk, while still calling for accountability. NGOs could build accountability systems without facing backlash as individual organisations through consortiums or working groups, and could create regular shadow reports, encompassing narratives from various stakeholders, including survivors. The tectonic shift that needs to take place hinges on a shift in strategy for engagement with the government, and forums like the IWG that encourage collective action under a consortium bannercould play pivotal roles in this regard.



CHAPTER IV RTI STUDY ON ANTI HUMAN TRAFFICKING UNITS

Research Objectives Methodology

BEE



Research Objectives

The varied narratives provided by lived experiences of stakeholders engaging with AHTUs in different parts of India show that in some places, AHTUs have been seen to be 'useful' to the anti-trafficking system, as an investigative agency with competence, efficiency and resources. This begs the question as to what the 'coverage' or 'reach' is, of AHTUs across India. This research study carried out by Sanjog attempts to address that question, by enquiring as to whether AHTUs have or have not been notified across India, whether they are functional or not and to engage with an inquiry to explain gaps in the system that have been elucidated by the stakeholders.

Further, the research aims to discover whether, after forming the AHTUs, the State Government is providing training to AHTU officials for conducting (interstate) investigations, collecting evidence, assisting in the prosecution of traffickers before Courts and performing their duties to end the scourge of trafficking. If training is properly imparted to AHTU officials, the chances of conviction of traffickers increases, as it has been seen that one of the main reasons behind acquittal of traffickers and other offenders is poor investigation.

The research additionally aims to discover whether State Governments and the Central Government have allocated sufficient funds to notify AHTUs, to gather information on the number of human trafficking cases investigated by AHTUs as well as local police stations and the number of convictions procured thereafter, based on these investigations. All of this information can help provide a snapshot of the prevalence, expertise and impact of AHTUs on the anti-trafficking system at large.

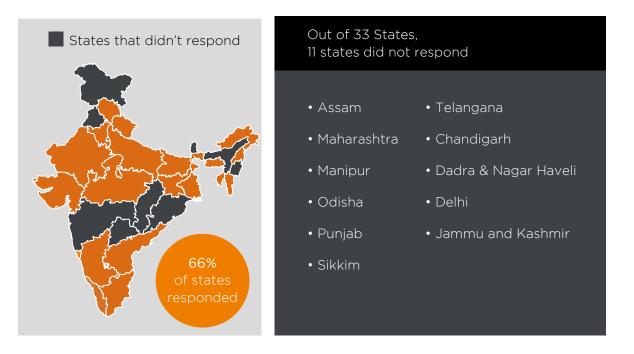
Methodology

This study has adopted an RTI methodology, where RTI applications have been sent out to the concerned departments of 33 states and UTs in India. The RTIs sought information related to

Ę	The number of notifications issued by state/UTgovernments for the establishment of AHTUs;	Number of AHTUs notified by the state/ UT governments in the respective state/UT, as well as the district-wise breakup of the AHTUs;	Functionality, composition and additional charge (if any) of AHTU members;
	Allocation of funds from the Ministry of Home Affairs as well as from the Home Department of respective states/ UTs for the formation and functioning of the AHTUs in the respective state/UTs;	Details on funds utilisation as well as budgets for collecting intelligence and research on human trafficking (if any);	Details of training programmes conducted by state/UT governments for AHTU officials;
	Numbers of human trafficking cases registered with AHTUs under various laws, like the Indian Penal Code, 1860, the Immoral Traffic (Prevention) Act, 1956 and the Protection of Children from Sexual Offences Act, 2012;	Numbers of rescues, arrests, prosecutions, convictions and acquittals in cases of human trafficking for commercial sexual exploitation;	Number of cases of human trafficking for commercial sexual exploitation transferred from local police to AHTUs and the number of such cases investigated by the local police and the AHTUS.

The final RTI questionnaire is annexed hereto at **Annexure - A**.

The RTIs were addressed to the Home Departments of 33 states/UTs and were forwarded, as and when required, to concerned state departments. Initially, only 18 states/UTs responded to the RTI applications, due to which Sanjog initiated proceedings to file First Appeals in the non-responsive states/UTs. Onlytwo(2) states/UTs responded to the First Appeal, which led Sanjog to file Second Appeals in five (5) more states/UTs. Two (2) more states responded to the Second Appeal and finally, 11 States/UTs did not respond at all.



The entire timeline of RTI applications, First Appeals, Second Appeals and state/UT responses is provided in **Annexure - B.**

Even though 22 States/UTs responded to the RTIs, not all of them answered all the questions, and even fewer of them provided complete data to answer all the questions posed in the RTIs. Out of 22 States/UTs, only 8 States/UTs responded to all the questions. Four (4) States/UTs did not respond at all, and 9 States/UTs responded to four (4) questions or less. The entire list of 22 States/UTs and the extent of their responses is provided in **Annexure – C.**

Upon consolidation and analysis of the RTI responses, Sanjog aims to initiate a multi-state campaign for the notification of AHTUs, increase in budget allocations by State Governments or the Central Government and providing training to AHTU officials by collaborating with NGOs working indifferent **States/UTs in** the Anti Human trafficking space. Data is to be shared with journalists and media personnel for wider dissemination initiatives and awareness creation. This can be

shared with partners of Sanjog, survivors' collectives, survivor leaders and advocates for advocacy-building exercises, political will-building **legal and law enforcement** reform.

Sanjog aims to develop advocacy tools that can be shared with its partner organisations as well as other stakeholders working in the anti-trafficking sector and aims to carry out dissemination and discussion workshops and seminars, through virtual meetings or webinars. Funding organisations that work with anti-trafficking initiatives around India could also be approached to discuss targeted funding of activities that would help improve the functioning of the AHTU system. There is also an ongoing PIL in the Bombay High Court wherein survivor leaders are seeking directions to be issued to the Maharashtra State Government to establish AHTUs in every district and conduct inter-state investigation of human trafficking cases. These research findings can act as valuable material for the petitioners to make submissions to the Bombay High Court.

CHAPTER V RESEARCH FINDINGS ON NOTIFICATION FOR ESTABLISHMENT OF AHTUS

The first set of questions in the RTI is on the number of notifications that have been issued by State/UT Governments for establishment of AHTUs inrespective States/UTs as well as the number of districts in each State/UT where AHTUs have been notified and not notified from FY 2010-11 till FY 2018-19. Details like the number of functional AHTUs are sought for, and the RTIs also sought the date of formation of AHTUs in districts where they were notified by respective state/UT governments, with a comprehensive list.

Table I: District-wise number of AHTUs and Notification Details

S. No.	State/UT Name	Number of Districts	Number of AHTUs set up	Number of AHTUs notified	Date(s) of Notification	Number of Functional AHTUs				
		17								
1	Andhra Pradesh	13		No response						
2	Arunachal Pradesh	No information provided								
3	Assam	No response to RTI								
4	Bihar	38	44	0	16.06.2010	44				
5	Chhattisgarh	28	4	11	30.10.2010 29.12.2011 28.03.2019	Not provided				
6	Goa	2	1	2	01.08.2014	1				
7	Gujarat		No information provided							
8	Haryana	22	6	Not provided	17.07.2015 04.08.2015	Not provided				
9	Himachal Pradesh	9	4	Nil	NA	4				
10	Jharkhand	26	8	8	14.07.2011 23.08.2013	8				
11	Karnataka			No information p	rovided					
12	Kerala	14 revenue districts	20	3	20.12.2014	Not provided				
13	Madhya Pradesh	No information provided								
14	Maharashtra	No response to RTI								
15	Manipur	No response to RTI								
16	Meghalaya	No information provided								
17	Mizoram	8	4	4	12.07.2010 23.07.2010 19.01.2012	Not provided				
18	Nagaland	12	11	12	Three notifications with one dated 25.10.2010	Not provided				
19	Odisha		No response to RTI							
20	Punjab		No response to RTI							
21	Rajasthan	42	42	Not provided	Not provided	Not provided				
22	Sikkim			No response to						
23	Tamil Nadu	34	Not provided	34	04.06.2009	Not provided				
24	Telangana			No response to						
25	Tripura	8	5	17 (1 in West Tripura, 1 in South Tripura and 15 within Gomati district)	07.09.2009 02.11.2014	Not provided				
26	Uttar Pradesh	75	39	Not provided	Not provided	Not provided				
27	Uttarakhand	13	7	Not provided	Not provided	Not provided				
28	West Bengal	23	34	23	14.07.2014 18.08.3014 (Bankura)	Not provided				
29	Chandigarh	No response to RTI								
30	Dadra and Nagar Haveli		No response to RTI							
31	Daman and Diu		No information provided							
32	Delhi	No response to RTI								
33	Jammu and Kashmir		No response to RTI							

CHAPTER V RESEARCH FINDINGS ON NOTIFICATION FOR ESTABLISHMENT OF AHTUS



- 1. Out of 33 States and UTs, 11 states and UTs did not respond to the RTIs at all.
- 2. Out of the remaining 22 States and UTs, 6 States and UTs did not answer the questions relating to the notification, number and functionality of AHTUs in their respective States/UTs.
- 3. Out of the remaining 16 States and UTs that actually responded, the following observations can be made:
- a. There are discrepancies between the numbers of AHTUs notified in states/UTs and the number of AHTUs that are actually functional. 11 states/UTs did not provide any details on functionality of AHTUs.
- b. Chhattisgarhdid not provide any clear information regarding how many AHTUs were actually notified, but provided information on the number of AHTUs that had been 'set up' after funds had been sanctioned in accordance with three letters.
- c. Rajasthan, Haryana, Uttar Pradesh and Uttarakhand did not provide any clear

information regarding how many AHTUs were actually notified, but provided information on the number of AHTUs that had been 'set up' or were functional in nature.

- d. Bihar, Kerala, Nagaland, Rajasthan, West Bengal, Tamil Nadu and Uttarakhand have AHTUs covering all their districts.
- e. Goa and Tripura provided data on their AHTUs (2 in Goa and 5 in Tripura), but their functionality is unclear.
- f. Mizoram has AHTUs in 50 (fifty) percent of its districts, Uttar Pradeshhas AHTUs in less than 50 (fifty) percent of its districts (35 AHTUs and 75 districts), and Himachal Pradesh hasAHTUsin almost 50 (fifty) percent of its districts (4 AHTUs and 9 districts).
- g. Jharkhand (31%), Chhattisgarh (25%) and Andhra Pradesh (30%) have very low numbers of AHTUs in proportion to the numberof districts in each state and the coverage of AHTUs is seen in the percentages mentioned in brackets above.

CHAPTER VI RESEARCH FINDINGS ON POSTINGS, ADDITIONAL CHARGES AND TRAINING OF AHTU MEMBERS

The next set of questions asked in the RTI includes the names and designations of AHTU members, the number of AHTU members holding an additional charge, with a list of members and the nature of their additional charge. Further, the year where additional charge were given and whether the members still hold such additional charge was asked. One question also sought information about the number of training programmes for AHTU officials held by the State Government from FY 2010-11 till FY 2018-19. The aim of these questions was to determine the composition of the AHTUs, the capacities and responsibilities of the members as well as whether the members had adequate time to focus on AHTU functioning, with their additional charge(s).

Table II: AHTU Members and Composition

State/UT Name	No. of Members	No. of Vacancies	Composition	Additional Charge				
Andhra Pradesh		No informatio	on provided					
Arunachal Pradesh	No information provided							
Assam	No response to RTI							
Bihar	5-11 members	None disclosed	Police officials	All members (work of jurisdictional PS)				
Chhattisgarh		No informatio	on provided					
Goa	11	Not mentioned	Police Officials	1 Police Inspector				
Gujarat		No informatio	on provided					
Haryana	0 in Rewari 17 in Hisar	Rewari	Not mentioned	Not mentioned				
Himachal Pradesh	5-11 members	None disclosed	Police officials	All members (SIU and Women Cell)				
Jharkhand	1-3 members	2/3 (Dumka) 1/2 (Chaibasa) 2/3 (Khunti) 1/2 (Lohardaga) 1/2 (Gumla)	Police Officials	No				
Karnataka		No informatio	on provided					
Kerala	1-22	All (Pathanamthitta) 1 (Ernakulam City) All (Palakkad)	Police officials	All except Thrissur Rural, Wayanad, Kannur, Kasargod				
MP		No informatio	on provided					
Maharashtra		No respon	se to RTI					
Manipur		No respon	se to RTI					
Meghalaya		No informatio	on provided					
Mizoram	7-13	Not mentioned	Police officials, PPs, Doctors, Magistrates, Labour and Employment Officer	9/40 have additional charge				
Nagaland	5-14	2/3 (Def Kiphire) 6/7 (Def Mon) 2/3 (Def Tuensang) 2/3 (Def Wokha)	Not specified	All have additional charge				
Odisha		No respon	se to RTI					
Punjab		No respon	se to RTI					
Rajasthan	2-11	1 (Bharatpur) 1 (Nagaur) 1 (Rajsamand) 1 (Churu) 1 (Boondi)	Police officials	Not mentioned				
Sikkim		No respon	se to RTI					
Tamil Nadu		No informatio	on provided					
Telangana		No respon	se to RTI					
Tripura	8-32	Not mentioned	Police officials	All (or not mentioned)				
Uttar Pradesh	2 - 14	Not mentioned	Police officials	All (except Kushinagar and Basti)				
Uttarakhand	7 (Vikasnagar)	Not mentioned	Not mentioned	2				
West Bengal	Total inspectors is 529 in all districts	Not mentioned	Police officials	1 inspector in Bankura				
Chandigarh		No respon	se to RTI					
Dadra and Nagar Haveli		No respon	se to RTI					
Daman and Diu		No informatio	on provided					
Delhi		No respon	se to RTI					
Jammu and Kashmir		No respon	se to RTI					



- 1. Out of 33 States and UTs, 11 states and UTs did not respond to the RTIs at all.
- 2. Out of the 22 States and UTs that responded to the RTIs, 9 States/UTs did not provide any information relating to the composition and membership of their AHTUs.
- 3. Out of the 13 States that responded with information, the following observations can be made:
- a. The majority of AHTUs are composed entirely of police officials. Only Mizoram had a diverse composition in AHTUs, with Additional Public Prosecutors, doctors,aLabour and Employment Officer and a Magistrate being part of the membership of their AHTUs.
- b. Most States did not provide vacancy-

related information, but Nagaland and Jharkhand had the maximum vacancies that were disclosed in the RTI responses.

- c. Kerala had no members (all vacancies) at the AHTUs in Palakkad and Pathanamthitta.
- d. West Bengal deployed additional inspectors after the Sangita Sahu judgment across 32 police districts in the state.
- e. Most AHTUs that disclosed members' additional charge(s) stated that all members, or almost all members had additional charge(s) that were active. Jharkhand, Uttar Pradesh and Mizoram were the only states where there were no/ minimal additional charge (Jharkhand had no members with additional charge, two (2) districts of Uttar Pradesh did not have any additional workload and Mizoram had 9/40 members with additional charge).

CHAPTER VI RESEARCH FINDINGS ON POSTINGS, ADDITIONAL CHARGES AND TRAINING OF AHTU MEMBERS

The data on training programmes carried out for the AHTU members in different states is presented as follows:

State/UT Name	No. of Training Programmes	Year of Training Programmes	Type of Training				
Andhra Pradesh	No information provided						
Arunachal Pradesh		Nil training programmes by State Government					
Assam			No response to RTI				
Bihar	15	2011	One-day district level workshop				
		2011-14	State Level Training of Trainers				
		2013	Training of Prosecutors at District level				
		2014	Two-day district level training workshop				
		2014-16	State Level Judicial Colloquium Training Workshops for Magistrates				
		2017	One-day State level training workshop on child labour/bonded labour				
		2017	Two day conference with Shakti Vahini				
		2017	One-day training workshop with NHRC, New Delhi and Labour Resources Dept.				
		2018	State Level One Day Training Workshop for Police				
		2019	One day State Level Consultation for Prosecutors				
		2019	State level two-day training workshop for volunteer organisations, police				
		2019	State-level 2 day training workshop for police officials				
		Unspecified	Regional level training of trainers workshop for prosecution officers				
		Unspecified	Child Welfare Police Officers training with UNICEF and CID regarding JJ Act and POCSO Act				
		Ongoing	Training Programmes by CID with Human Liberty Network for JJ Act and POCSO Act				
Chhattisgarh	16	2012	Three- day State level seminar on the subject of human trafficking				
		2012	Two- day District level training seminar on human trafficking				
		2012	Two- day District level training seminar on human trafficking				
		2012	Two- day District level training seminar on human trafficking				
		2012	Two- day District level training seminar on human trafficking				
		2012	Training of prosecution officers and assistant prosecution officers on human trafficking				
		2013	Judicial Colloquium Seminar for judicial officers, prosecution officers and police officers				
		2013	Training Seminar on JJ Act and POCSO Act on police divisional level				
		2014	Training on 'Track the Child' under ICPS				
		2014	State level workshop on human trafficking				
		2014	One day state level seminar				
		2014	One-day training seminar under the joint aegis of UNICEF and the Police Department				
		2014	One-day training seminar under the joint aegis of UNICEF and the Police Department				

Table III: Training of AHTU members

State/UT Name	No. of Training Programmes	Year of Training Programmes	Type of Training
		2014	One day State level training seminar on organized human trafficking, and organized commercial crime for police, DWCD and NGOs
		2014	Two day workshop
		2014	Two- days State level training seminar on the subject of child labour, bonded labour and child trafficking
Goa			Information not provided
Gujarat			Information not provided
Haryana	2	2019	Two-day course on human trafficking for police officers Certificate on Anti Human Trafficking offered by IGNOU
Himachal Pradesh			No training programmes
Jharkhand			No information provided
Karnataka			No information provided
Kerala	122	2011-2019	Not mentioned
Madhya Pradesh			No information provided
Maharashtra			No response to RTI
Manipur			No response to RTI
Meghalaya			No information provided
Mizoram	14	2011-12	District and State Level
		2012-13	District level
		2015-16	District level
		2017-18	District level
Nagaland	5	2011, 2017 2018, 2019	Not mentioned
Odisha			No response to RTI
Punjab			No response to RTI
Rajasthan			No information provided
Sikkim			No response to RTI
Tamil Nadu			No information provided
Telangana			No response to RTI
Tripura	1	2013-14	One programme for police
Uttar Pradesh	22	Till 28.02.2020	District level workshops for police officers
Uttarakhand	14	Not mentioned	District level training of trainers workshops (13) State level training of trainers workshop (1)
West Bengal			No information provided
Chandigarh			No response to RTI
Dadra and Nagar Haveli			No response to RTI
Daman and Diu			No information provided
Delhi			No response to RTI
Jammu and Kashmir			No response to RTI

CHAPTER VI RESEARCH FINDINGS ON POSTINGS, ADDITIONAL CHARGES AND TRAINING OF AHTU MEMBERS



- 1. Out of 33 States and UTs, 11 states and UTs c. Mizoram and Nagaland had periodic did not respond to the RTIs at all. training programmes with Nagaland
- 2. Out of the 22 States and UTs that responded to the RTIs, 11 States/UTs did not provide information pertaining to training programmes for AHTU officials in their jurisdictions.
- 3. Out of the 11 States that responded with information, the following observations can be made:
- a. Arunachal Pradesh and Himachal Pradesh stated that no training programmes had taken place.
- b. Tripura and Haryana had the fewest training programmes (1 and 2), in 2013-14 and 2019, respectively.

- c. Mizoram and Nagaland had periodic training programmes with Nagaland showing more regular training in recent years.
- d. Uttar Pradesh had regular training programmes but only in Mirzapur district.
- e. Bihar and Chhattisgarh had extensive programmes on a regular basis, but Chhattisgarh's last training programmes took place in 2014. Bihar has several recent programmes, as well as an ongoing programme, as per the RTI response.
- f. Kerala had the most training programmes (122 totally), from 2011 till 2019, but the nature of the training programmes were not mentioned.

CHAPTER VII RESEARCH FINDINGS ON BUDGETS AND FUNDING

The next set of questions in the RTIs sent pertained to funding as well as budgeting within AHTUs. The RTIs sought information regarding the amount of funds allocated by the Ministry of Home Affairs, Government of India for the formation and functioning of AHTUs in the state, as well as the level of utilisation of the funds, from the year of the Advisory Notification, namely FY 2010-11 till FY 2018-19. Further, the RTIs sought information regarding the amount of funds allocated by the Home Department of the State/UT Governments for the formation and functioning of AHTUs in the respective state/UTsfrom FY 2010-11 till FY 2018-19 as well as the level of utilisation of those funds for the same time period. The RTI also asked whether AHTUs have been allocated any budget for the purpose of collecting intelligence and conducting research on human trafficking on an annual basis from FY 2010-11 till FY 2018-19, as well as levels of utilisation of the same.

Table IV: Budget and Funding

State/UT Name	Funds Sanctioned	Funds Utilised	Percentage utilisation
Andhra Pradesh			
Arunachal Pradesh	62.74 lakhs(AHTUs) + 2.1 lakhs (intelligence and research) (Central Govt)	58.164 lakhs(AHTUs) + 0.70 (intelligence and research)	92.7% (AHTUs) 33.3% (intelligence and research)
Assam		No response to RTI	
Bihar	INR 1,51,60,000 crores (Central Govt)	INR 80.83366 lakhs	53%
Chhattisgarh	INR 53.06 lakhs (Central Govt)	Not mentioned	NA
Goa		No information provided	
Gujarat		No information provided	
Haryana	INR 30.32 lakhs (Central Govt)	Not mentioned	NA
Himachal Pradesh	INR 15.16 lakhs (Central Govt)	NIL	NA
Jharkhand		No information provided	
Karnataka		No information provided	
Kerala	INR 68.22 lakhs (Central Govt)	INR 68.15318 lakhs	99.90%
Madhya Pradesh		No information provided	
Maharashtra		No response to RTI	
Manipur		No response to RTI	
Meghalaya		No information provided	
Mizoram	INR 30.32 lakhs (Central Govt)	INR 30.29 lakhs	99.90%
Nagaland	INR 45.48 lakhs (Central Govt)	INR 45.48 lakhs	100%
Odisha		No response to RTI	
Punjab		No response to RTI	
Rajasthan		No information provided	
Sikkim		No response to RTI	
Tamil Nadu	INR 90.96 lakhs (Central Govt)	INR 84.13393 lakhs	92.49%
Telangana		No response to RTI	
Tripura		No information provided	
Uttar Pradesh		No information provided	
Uttarakhand	INR 53.06 lakhs	INR 53.06 lakhs	100%
West Bengal		No information provided	
Chandigarh		No response to RTI	
Dadra and Nagar Haveli		No response to RTI	
Daman and Diu		No information provided	
Delhi		No response to RTI	
Jammu and Kashmir		No response to RTI	



Observations

- 1. Out of 33 States and UTs, 11 states and UTs did not respond to the RTIs at all.
- 2. Out of the remaining 22 States and UTs, 12 States/UTs did not provide any information relating to budget and funding.
- 3. Out of the 10 States that did respond with information, the following observations can be made:
 - a. Only the Central Government, through the Ministry of Home Affairs, issued funds for setup of AHTUs and State/UT Home Departments did not provide any funding for the same in any jurisdiction.
 - b. Arunachal Pradesh was the only State that had a separate budget allocation for intelligence and research.
 - c. Uttarakhand and Nagaland claimed 100% utilisation of funds issued for setup

of AHTUs.

- d. Kerala and Mizoram claimed 99.90% utilisation of funds issued for setup of AHTUs.
- e. Tamil Nadu claimed 92.49% utilisation of funds issued for setup of AHTUs.
- f. Bihar claimed that 53% of funds were utilised.
- g. The lowest percentage of funds utilisation was in Arunachal Pradesh, where only 33.3% of the budget for intelligence and research was utilised.
- h. Himachal Pradesh, Haryana and Chhattisgarh provided incomplete information that only consisted of funds allocated and did not cover utilisation of the same.

CHAPTER VIII RESEARCH FINDINGS ON CASES HANDLED BY AHTUS

The functions of AHTUs primarily include registering cases of human trafficking, conducting raid and rescue operations for survivors of trafficking, carrying out investigations on all aspects of the crime, collecting evidence, effectively prosecuting traffickers, collecting, disseminating and utilising intelligence on human trafficking and the sharing of information on traffickers to concerned law enforcement agencies.



Sexual exploitation can invoke legal provisions of the Indian Penal Code, 1860 ('IPC'), the Immoral Traffic (Prevention) Act, 1956 ('ITPA') and the Protection of Children from Sexual Offences Act, 2012 ('POCSO'). Complaints of human trafficking can be made before the local police, who ideally have to transfer such cases to the jurisdictional AHTU.

The RTI questions asked for information regarding thenumber of cases of human trafficking for the purpose of commercial sexual exploitation that were registered under ITPA, IPC and POCSO on a yearly basis, from FY 2010-11 till FY 2018-19. The number survivors rescues, investigations, arrests of traffickers/ accused. prosecutions before Courts. convictions and acquittals were included in the questions and the RTI also included questions on the number of cases of human trafficking for the purpose of commercial sexual exploitation that were transferred from the local police to the AHTUs. The RTI also enquired as to the number of cases that were investigated by the local police themselves, without transferring the same to the jurisdictional AHTUs.

States and UTs provided data on the number of cases registered under provisions of the IPC, ITPA and POCSO, as follows. For ease of reference, only the states/UTs who responded to the RTIs sent are listed below in the table:

Table V: Cases of Trafficking under Different Laws

State/UT Name	IPC	ІТРА	POCSO		
Andhra Pradesh	379	330	3		
Arunachal Pradesh		No information provided			
Bihar	Not mentioned	Not mentioned	6,770		
Chhattisgarh	Not mentioned	104	7,385		
Goa	11	28	83		
Gujarat		No information provided			
Haryana	26	122	1005		
Himachal Pradesh		12	319		
Jharkhand		No information provided			
Karnataka	No information provided				
Kerala	203	959	12,724		
Madhya Pradesh		No information provided			
Meghalaya	Nil (North Garo Hills)	1 (North Garo Hills)	144		
Mizoram	4	7	598		
Nagaland	15	26	87		
Rajasthan		No information provided			
Tamil Nadu		No information provided			
Tripura	None	None	178 (Dhalai and Gomati)		
Uttar Pradesh	5	4	1,264		
Uttarakhand	A total of 100 cases of trafficking were registered by AHTUs	33 (Vikasnagar)	818		
West Bengal	28	94	2595		
Daman and Diu	No information provided				

In West Bengal, the remaining number of cases of human trafficking for the purpose of commercial sexual exploitation whose sections were not mentioned are 111 in number. These could be under any of the above mentioned laws, or contain provisions from two (2) or more of these laws. Apart from the data captured in the table above, several States/UTs also provided overall information regarding the various activities performed by the AHTUs, including investigations of crimes, rescuing victims, arresting accused and consequent convictions and acquittals obtained in cases of human trafficking. The data is as follows:

Table VI: Anti-Trafficking Activities By Law Enforcement

State/UT	Investigations	Rescues	Arrests	Convictions	Acquittals		
Andhra Pradesh				12	280		
Arunachal Pradesh							
Bihar (CSEC and Child Labour)	Not mentioned	3,098	2,053	Not mentioned	Not mentioned		
Chhattisgarh	Not mentioned	1,383	648	Not mentioned	Not mentioned		
Goa	Not mentioned	Not mentioned	Not mentioned	2	3		
Haryana	18		2	14	88		
Himachal Pradesh	12 (local police)	NIL	NIL	NIL	NIL		
Jharkhand			No information provided				
Karnataka	No information provided						
Kerala	15 (local police)	15	16	NIL	4		
Madhya Pradesh			No information provided				
Meghalaya	1 (local police)	Not mentioned	Not mentioned	Not mentioned	Not mentioned		
Mizoram	6 (local police)	2	8	2	1		
Nagaland	1 (AHTU) + 4 (local police)	1	1	NIL	NIL		
Rajasthan			No information provided				
Tamil Nadu			No information provided				
Tripura	1 (Gomati AHTU) + 1 (Gomati local police)	NIL	NIL	NIL	NIL		
Uttar Pradesh	Not mentioned	224	172	Not provided	Not provided		
Uttarakhand	3 (VikasnagarAHTU)	11 (Vikasnagar)	849	Not mentioned	Not mentioned		
West Bengal	No information provided						
Daman and Diu			No information provided				

In addition to the consolidated national state/UT-wise data, Andhra Pradesh has kept data on the persons who have been arrested as accused in human trafficking cases, including 'clientele, as follows:

Year	Arrests of Clients	Charge sheets	Acquittals/discharge	Convictions
2016	141	67	40	0
2017	121	36	8	0
2018	136	35	37	0
2019	43	8	10	0

Table VII: Action against 'Customers' in Andhra Pradesh

Even though no convictions took place, it is clear that 'customers' who engage in commercial sexual exploitation have been arrested in Andhra Pradesh. Further, Andhra Pradesh is the only state/UT that provided data on victim compensation, showing that a few survivors were recommended for compensation every year (2016, 2017 [8], 2018 [15],). The majority of victims were trafficked for 'sexual exploitation for prostitution'.

Observations

- 1. Out of the 22 States and UTs who responded to the RTIs, 7 States/UTs did not provide any information relating to cases registered under the IPC, ITPA and POCSO.
- 2. Out of the 22 States and UTs who responded to the RTIs,7 States/UTs did not provide any information relating to the activities of law enforcement in respect of human trafficking.
- 3. Out of the remaining states/ UTs who provided information, the following observations can be made:
 - a. POCSO case numbers were much higher in most states than cases under the IPC and ITPA. Kerala had the highest number of POCSO cases registered, followed by Chhattisgarh and Bihar.
 - b. Data from Haryana was extremely disparate, with

individual police stations providing information. There was no consolidated districtwise or state-wise data that was available in this regard.

- c. In Uttarakhand, a total of 100 cases of human trafficking were registered by the AHTUs.
- d. The lowest number of IPC, ITPA and POCSO cases were seen in Mizoram (4), Mizoram (7) and Andhra Pradesh (3), respectively.
- e. Himachal Pradesh, Kerala and Meghalaya provided investigation data that showed that local police handled investigations of human trafficking cases.
- f. Uttarakhand, Tripura and Nagaland provided data that showed that AHTUs had carried out investigations of human trafficking cases.

- g. Data from Uttar Pradesh showed that survivors had been rescued, accused persons had been arrested and complaints had been sent for trial, but all of the information was solely from Meerut district.
- h. In Goa, the local police seemed to be investigating a substantial number of cases and no data on AHTU investigation was provided.
- a. In Mizoram, investigation was said to be done mostly by Deputy Superintendents of Police and above while AHTU members consist mostly of subordinate officers, and therefore no cases of human trafficking were investigated by AHTUS.

ANNEXURE - A

Questionnaire for RTIs on AHTUs

- How many notifications have been issued by the Government of (State name) from June, 2010 to February, 2019, for establishment of Anti Human Trafficking Units (AHTUs) in the State? Please provide a copy of all such notifications issued in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19.
- In how many districts, AHTUs have been notified by the State Government? Please provide a list of such districts.
 - a) Please provide the names of the members of the AHTUs and their designations.
 - b) How many AHTUs are functional in the districts? Please provide a list of such functional AHTUs.
- 3) In how many districts, the State Government has not notified the AHTUs?
 - a) Please provide a list of such districts where the AHTUs have not been notified.
- 4) How many AHTU members are holding an additional charge? Please provide a list of such AHTU members and nature of additional charge.
 - a) Please also mention in which year such AHTU members were given this additional charge.
 - b) Whether they still continue to hold the additional charge?
- 5) What is the date of formation of AHTUs in districts where they were notified by the State Government?
 - a) Please provide a list mentioning the dates on which AHTUs were

formed by the State Government in each district after they were notified.

- 6) How much fund has been allocated by the Ministry of Home Affairs, Government of India, for the formation and functioning of the AHTUs in the State in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 7) How much fund has been allocated by the Home Department of the State Government, for the formation and functioning of the AHTUs in the State in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 8) Out of the funds allocated by the Ministry of Home Affairs, Government of India, how much of the fund has been utilized for the formation and functioning of AHTUs in the State in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 9) Out of the funds allocated by the Home Department of the State Government, how much of the fund has been utilized for the formation and functioning of AHTUs in the State in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 10) Do the AHTUs have been allocated budget for the purpose of collecting intelligence and conducting research on human trafficking?
 - a) FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19, if any.

- b) How much amount has been utilized by the AHTUs for the purpose? Please provide year-wise details of such utilized amount for FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19, if any.
- 11) How many training programs have been held by the State Government for the training of the AHTU officials in the districts in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 12) How many cases of human trafficking for the purpose of commercial sexual exploitation have been registered with the AHTUs in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
 - a) How many cases were registered under the provisions of the Immoral Traffic (Prevention) Act, 1956 (ITPA) in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
 - b) How many cases were registered under Sections 370, 370A, 372 and 373 of IPC in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
 - c) How many cases were registered under the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO) in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 13) In how many cases of human trafficking for the purpose of sexual exploitation, the victims of human trafficking have been rescued by the AHTUs in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?

- 14) In how many cases of human trafficking for the purpose of sexual exploitation, the AHTUs have arrested the traffickers/accused in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 15) In how many cases of human trafficking for the purpose of sexual exploitation, the AHTUs have prosecuted and/or sent the traffickers/accused in the Courts for facing trial in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 16) How many cases of human trafficking for the purpose of sexual exploitation have resulted in the conviction of traffickers/accused in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 17) How many cases of human trafficking for the purpose of sexual exploitation have resulted in the acquittal of traffickers/accused in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 18) How many cases of human trafficking for the purpose of commercial sexual exploitation have been transferred from the local police to the AHTUs for investigation in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 19) How many cases of human trafficking for the purpose of commercial sexual exploitation have been investigated by the AHTUs in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?
- 20) How many cases of human trafficking for the purpose of commercial sexual exploitation have been investigated by the local police in the FYs 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?

ANNEXURE - B

Timeline of RTI Applications, First Appeals, Second Appeals and State/UT Responses

SI. No.	States	Filing Date of RTI	Response to RTI	Responding Date of RTI	Filing Date of 1st Appeal	Response to 1st Appeal	Responding Date of 1st Appeal	Filing Date of 2nd Appeal	Response to 2nd Appeal	Responding Date of 2nd Appeal
1	Andhra Pradesh	28.03.19	Yes	May- August, 2019	May-19	No response				
2	Arunachal Pradesh	15.04.19	Yes	21.05.19						
3	Assam	20.04.19	No response		15.06.19	No response				
4	Bihar	28.05.19	Yes	01.07.19						
5	Chhattisgarh	17.06.19	Yes	14.08.19						
6	Goa	22.066.19	Yes	04.08.19						
7	Gujarat	28.05.19	No response		17.08.19	No response		04.11.19	Yes	28.11.19
8	Haryana	02.05.19	Yes	13.09.19	22.11.19	No response		13.01.2020	No response	
		Hansi - 10.07.19	Yes	Hansi - 07.09.19						
		Ambala - 10.07.19	Yes	Ambala - 05.09.19						
		Fathehabad - 09.08.19	Yes	Fathehabad - 07.09.19						
		Hisar - 09.08.19	Yes	Hisar - 25.09.19						
		Jind - 09.08.19	Yes	Jind - 13.08.19						
		Nuh - 09.08.19	Yes	Nuh - 13.09.19						
		Palwal - 09.08.19	Yes	Palwal - 09.09.19						
		Yamuna Nagar - 09.08.19	Yes	Yamuna Nagar - 10.09.19						
		Charkhi Dadri - 10.08.19	Yes	Charkhidadri - 07.09.19						
		Panchkula - 10.07.19	Yes	Panchkula - 03.09.19						
9	Himachal Pradesh	17.05.19	No response		27.08.19	Yes	13.11.19			
10	Jharkhand	28.05.19	Yes	01.07.19						
11	Karnataka	29.03.19	Yes	April-June, 2019	May-19	No response				
12	Kerala	26.03.19	Yes	April-June, 2019	May-19	No response				
13	Madhya Pradesh	17.06.19	No response							
14	Maharashtra	17.06.19	No response							
15	Manipur	20.4.19	No response		15.06.19	No response				
16	Meghalaya	20.04.19	Yes	09.05.19						
17	Mizoram	15.04.19	Yes	11.06.19						

ANNEXURE - B

Sl. No.	States	Filing Date of RTI	Response to RTI	Responding Date of RTI	Filing Date of 1st Appeal	Response to 1st Appeal	Responding Date of 1st Appeal	Filing Date of 2nd Appeal	Response to 2nd Appeal	Responding Date of 2nd Appeal
18	Nagaland	20.04.19			09.06.19	Yes	06.07.19			
19	Odisha	28.05.19	No response		17.08.19	No response				
20	Punjab	17.05.19	No response		14.08.19	No response				
21	Rajasthan	28.05.19	Yes	02.07.19						
22	Sikkim	28.05.19	No response		17.08.19	No response				
23	Tamil Nadu	26.03.19	Yes	April-June, 2019	08.05.19	No response				
24	Telangana	17.06.19	No response							
25	Tripura	30.04.19	Yes	04.06.19						
26	Uttar Pradesh	28.05.19	No response		17.08.19	No response		04.11.19	Yes	
27	Uttarakhand	17.05.19	Yes	19.06.19 21.06.19 12.07.19						
28	West Bengal	09.04.19	Yes	April-June, 2019	May- 19	No response				
29	Andaman & Nicobar	RTI not filed								
30	Chandigarh	02.05.2019	No response		14.08.19	No response		29.01.2020	No response	
31	Daman & Diu	17.06.19	Yes	01.07.19						
32	Dadra &Nagar Haveli	17.06.19								
33	Delhi	02.05.19	No response		25.11.19	No response		13.01.2020	No response	
34	Lakshadweep	RTI not filed								
35	Ladakh	RTI not filed								
36	Pondicherry	RTI not filed								
37	Jammu & Kashmir	02.05.19	No response							

ANNEXURE - C

State/UT Responses to RTI Questions

SI. No.	States/UTs	Coverage Area (Number of AHTU's in the State)	Composition of AHTUs (Posting, Additional Charges & Training)	Budget & Funding by Ministry of Home Affairs as well as State Home Department	Number of Cases Handled by the AHTUs
1	Andhra Pradesh	Data provided	No data was provided.	No data was provided.	Data provided
2	Chhattisgarh	Data provided	No data was provided about posting and additional charges. Training data provided.	Data provided	Data provided
3	Arunachal Pradesh	Data provided	No data was provided about posting and additional charges. Training data provided.	Data provided	No data was provided.
4	Bihar	Data provided	Data provided	Data provided	Data provided
5	Daman & Diu	No data was provided stating,	No data was provided stating,	No data was provided stating,	No data was provided stating,
		"information was	"information was	"information was	"information was
		not available in the office".	not available in the office".	not available in the office".	not available in the office".
6	Goa	Data provided	Data about posting and additional charges provided. Training data not provided.	No data was provided.	Data provided
7	Haryana	Data provided	Partial data about posting and additional charges provided. Training data provided.	Partial data provided.	Partial data provided.
8	Himachal Pradesh	Data provided	Data provided	Data provided	Data provided
9	Karnataka	No data provided citing an exemption.	No data provided citing an exemption.	No data provided citing an exemption.	No data provided citing an exemption.
10	Jharkhand	Data provided	Data about posting and additional charges provided. Training data not provided stating, "information not related to the branch".	No data provided stating, "information not related to the branch".	No data provided stating, "information not related to the branch".
11	Kerala	Data provided	Data provided	Data provided	Data provided
12	Madhya Pradesh	RTI was transferred to women crime branch but there was no response	RTI was transferred to women crime branch but there was no response	RTI was transferred to women crime branch but there was no response	RTI was transferred to women crime branch but there was no response
13	Meghalaya	No data provided	No data provided	No data provided	Data provided

ANNEXURE - C

Sl. No.	States/UTs	Coverage Area (Number of AHTU's in the State)	Composition of AHTUs (Posting, Additional Charges & Training)	Budget & Funding by Ministry of Home Affairs as well as State Home Department	Number of Cases Handled by the AHTUs
14	Mizoram	Data provided	Data provided	Data provided	Data provided
15	Nagaland	Data provided	Data provided	Data provided	Data provided
16	Rajasthan	Data provided	Data about posting and additional charges provided. Training data not provided.	No data provided	No data provided
17	Tamil Nadu	Data provided	No data provided	Data provided	No data provided stating, "information could be obtained from concerned Superintendents of Police/Commissioners of Police".
18	Tripura	Data provided	Data provided for postings and additional charges. Partial data provided about training	No data provided	Data provided
19	Uttarakhand	Data provided	Data provided	Data provided	Data provided
20	West Bengal	Data provided	Data provided	No data provided citing an exemption	Data provided
21	Gujarat	State Information Commission passed an order directing the Public Information Officer and the First Appellate to provide information No information provided	Gujarat State Information Commission passed an order directing the Public Information Officer and the First Appellate to provide information No information provided	Gujarat State Information Commission passed an order directing the Public Information Officer and the First Appellate to provide information No information provided	Gujarat State Information Commission passed an order directing the Public Information Officer and the First Appellate to provide information No information provided
22	Uttar Pradesh	Data provided	Data provided	Partial data provided	Data provided

